

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADAPTIX, INC.,

Plaintiff,

v.

**RESEARCH IN MOTION LIMITED,
RESEARCH IN MOTION
CORPORATION, BLACKBERRY USA
f/k/a RESEARCH IN MOTION
LIMITED, and CELLCO
PARTNERSHIP d/b/a VERIZON
WIRELESS,**

Defendants.

Civil Action No. 6:13-cv-436

JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY TO DEFENDANTS BLACKBERRY LIMITED AND
BLACKBERRY CORPORATION’S ANSWER AND COUNTERCLAIMS**

Plaintiff, ADAPTIX Inc. (“ADAPTIX”) replies to Defendants Blackberry Limited and Blackberry Corporation’s (“Defendants” or “Blackberry”) Answer and Counterclaims as follows:

INTRODUCTION

1. Adaptix lacks knowledge sufficient to form a belief about the truth of allegations in Paragraph 1, and therefore denies the same.

2. Adaptix lacks knowledge sufficient to form a belief about the truth of allegations in Paragraph 2, and therefore denies the same.

3. Adaptix lacks knowledge sufficient to form a belief about the truth of allegations in Paragraph 3, and therefore denies the same.

4. Denied.

5. With respect to the contents of the Orange County Register, Adaptix lacks knowledge sufficient to form a belief about the truth of allegations in Paragraph 5, and therefore denies the same. Adaptix admits that it has sought to enforce Adaptix's rights as a patent-holder against several infringers of Adaptix's patents in this District.

6. Adaptix lacks knowledge sufficient to form a belief about the truth of allegations in Paragraph 6, and therefore denies the same.

7. Denied.

PARTIES

8. Admitted.

9. Admitted.

10. Admitted.

JURISDICTION AND VENUE

11. Admitted.

12. Admitted.

13. Adaptix admits that venue is based on 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Adaptix further admits that venue is proper in this District for Blackberry's Counterclaims but denies that a different venue may be more convenient to hear this dispute.

COUNT I

Declaratory Judgement of Non-Infringement of the '212 Patent

14. Adaptix incorporates by reference its responses contained in Paragraphs 1-13 of its Reply.

15. Admitted.

16. Adaptix admits that it has alleged that Blackberry has directly, indirectly, and/or jointly infringed the claims of the '212 Patent. Adaptix denies all remaining allegations of Paragraph 16.

17. Denied.

18. Admitted.

COUNT II

Declaratory Judgement of Non-Infringement of the '212 Patent

19. Adaptix incorporates by reference its responses contained in Paragraphs 1-18 of its Reply.

20. Admitted.

21. Adaptix admits that it alleges in its Complaint that the '212 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code. Adaptix denies all other allegations of Paragraph 21.

22. Denied.

23. Admitted.

COUNT III

Declaratory Judgment of Non-Infringement of the '748 Patent

24. Adaptix incorporates by reference all of its responses contained in Paragraphs 1-23 of its Reply.

25. Admitted.

26. Adaptix admits that it has alleged that Blackberry has directly, indirectly, and/or jointly infringed the claims of the '748 Patent. Adaptix denies all remaining allegations of Paragraph 26.

27. Denied.

28. Admitted.

COUNT IV

Declaratory Judgment of Invalidity of the '748 Patent

29. Adaptix incorporates by reference all of its responses contained in Paragraphs 1-28 of its Reply.

30. Admitted.

31. Adaptix admits that it alleges in its Complaint that the '748 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code. Adaptix denies all other allegations Paragraph 31.

32. Denied.

33. Admitted.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Counterclaims fail to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendants infringe one or more claims of U.S. Patent Nos. 7,454,212 and 6,947,748.

PRAYER FOR RELIEF

WHEREFORE, ADAPTIX respectfully requests that this Court:

- a. Enter judgment in favor of ADAPTIX on all issues set forth in Defendants Blackberry Limited and Blackberry Corporation's Answer and Counterclaims;
- b. Deny all relief requested in Defendants Blackberry Limited and Blackberry Corporation's Answer and Counterclaims;

- c. Grant the relief requested by ADAPTIX in its Complaint; and
- d. Grant ADAPTIX such further relief as this Court may deem just and proper.

JURY DEMAND

ADAPTIX demands trial by jury on all issues set forth in Defendant's Answer, Affirmative Defenses, and Counterclaims so triable.

Date: December 6, 2013

ADAPTIX, INC.

By: /s/ Paul J. Hayes

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**ATTORNEYS FOR PLAINTIFF
ADAPTIX, INC.**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 6th day of December, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Paul J. Hayes